

1 AN ACT concerning certain individuals killed in the line of
2 duty.

3 **Be it enacted by the People of the State of Illinois,**
4 **represented in the General Assembly:**

5 Section 5. The Illinois National Guardsman's Compensation
6 Act is amended, if and only if House Bill 5251 of the 94th
7 General Assembly becomes law, by changing Section 3 as follows:

8 (20 ILCS 1825/3) (from Ch. 129, par. 403)

9 Sec. 3. If a claim therefor is made within one year of the
10 date of the death of the guardsman, compensation shall be paid
11 to the person designated by such guardsman killed while on
12 duty. The amount of compensation shall be equal to the greater
13 of (i) \$100,000 or (ii) the amount of compensation payable
14 under Section 3 of the Line of Duty Compensation Act when an
15 individual to whom that Act applies is killed in the line of
16 duty. If no beneficiary is designated or surviving at the death
17 of the guardsman killed while on duty, the compensation shall
18 be paid as follows:

19 (a) When there is a surviving spouse, the entire sum
20 shall be paid to the spouse.

21 (b) When there is no surviving spouse, but a surviving
22 descendant of the decedent, the entire sum shall be paid to
23 the decedent's descendants per stirpes.

24 (c) When there is neither a surviving spouse nor a
25 surviving descendant, the entire sum shall be paid to the
26 parents of the decedent in equal parts, allowing to the
27 surviving parent, if one is dead, the entire sum.

28 (d) When there is no surviving spouse, descendant or
29 parent of the decedent, but there are surviving brothers or
30 sisters, or descendants of a brother or sister, who were
31 receiving their principal support from the decedent at his
32 death, the entire sum shall be paid, in equal parts, to the

1 dependent brothers or sisters or dependent descendant of a
2 brother or sister. Dependency shall be determined by the
3 Court of Claims based upon the investigation and report of
4 the Attorney General.

5 When there is no beneficiary designated or surviving at the
6 death of the guardsman killed while on duty and no surviving
7 spouse, descendant, parent, dependent brother or sister, or
8 dependent descendant of a brother or sister, no compensation
9 shall be payable under this Act.

10 No part of such compensation may be paid to any other
11 person for any efforts in securing such compensation.

12 If compensation is payable under the Line of Duty
13 Compensation Act because of the death of a guardsman, the
14 provisions of that Act shall apply to the payment of that
15 compensation.

16 (Source: P.A. 93-1047, eff. 10-18-04.)

17 Section 10. The Line of Duty Compensation Act is amended,
18 if and only if House Bill 5251 of the 94th General Assembly
19 becomes law, by changing Section 3 as follows:

20 (820 ILCS 315/3) (from Ch. 48, par. 283)

21 Sec. 3. Duty death benefit.

22 (a) If a claim therefor is made within one year of the date
23 of death of a law enforcement officer, civil defense worker,
24 civil air patrol member, paramedic, fireman, chaplain, State
25 employee, or Armed Forces member killed in the line of duty,
26 compensation shall be paid to the person designated by the law
27 enforcement officer, civil defense worker, civil air patrol
28 member, paramedic, fireman, chaplain, State employee, or Armed
29 Forces member. However, if the Armed Forces member was killed
30 in the line of duty before October 18, 2004, the claim must be
31 made within one year of October 18, 2004.

32 (b) The amount of compensation, except for an Armed Forces
33 member, shall be \$10,000 if the death in the line of duty
34 occurred prior to January 1, 1974; \$20,000 if such death

1 occurred after December 31, 1973 and before July 1, 1983;
2 \$50,000 if such death occurred on or after July 1, 1983 and
3 before January 1, 1996; \$100,000 if the death occurred on or
4 after January 1, 1996 and before May 18, 2001; \$118,000 if the
5 death occurred on or after May 18, 2001 and before July 1,
6 2002; and \$259,038 if the death occurred on or after July 1,
7 2002 and before January 1, 2003. For an Armed Forces member
8 killed in the line of duty (i) at any time before January 1,
9 2005, the compensation is \$259,038 plus amounts equal to the
10 increases for 2003 and 2004 determined under subsection (c) and
11 (ii) on or after January 1, 2005, the compensation is the
12 amount determined under item (i) plus the applicable increases
13 for 2005 and thereafter determined under subsection (c).

14 (c) Except as provided in subsection (b), for deaths
15 occurring on or after January 1, 2003, the death compensation
16 rate for death in the line of duty occurring in a particular
17 calendar year shall be the death compensation rate for death
18 occurring in the previous calendar year (or in the case of
19 deaths occurring in 2003, the rate in effect on December 31,
20 2002) increased by a percentage thereof equal to the percentage
21 increase, if any, in the index known as the Consumer Price
22 Index for All Urban Consumers: U.S. city average, unadjusted,
23 for all items, as published by the United States Department of
24 Labor, Bureau of Labor Statistics, for the 12 months ending
25 with the month of June of that previous calendar year.

26 (d) If no beneficiary is designated or if no designated
27 beneficiary survives ~~or surviving~~ at the death of the law
28 enforcement officer, civil defense worker, civil air patrol
29 member, paramedic, fireman, chaplain, or State employee, ~~or~~
30 ~~Armed Forces member~~ killed in the line of duty, the
31 compensation shall be paid in accordance with a legally binding
32 will left by the law enforcement officer, civil defense worker,
33 civil air patrol member, paramedic, fireman, chaplain, or State
34 employee. If the law enforcement officer, civil defense worker,
35 civil air patrol member, paramedic, fireman, chaplain, or State
36 employee did not leave a legally binding will, the compensation

1 shall be paid as follows:

2 (1) when there is a surviving spouse, the entire sum
3 shall be paid to the spouse;

4 (2) when there is no surviving spouse, but a surviving
5 descendant of the decedent, the entire sum shall be paid to
6 the decedent's descendants per stirpes;

7 (3) when there is neither a surviving spouse nor a
8 surviving descendant, the entire sum shall be paid to the
9 parents of the decedent in equal parts, allowing to the
10 surviving parent, if one is dead, the entire sum; and

11 (4) when there is no surviving spouse, descendant or
12 parent of the decedent, but there are surviving brothers or
13 sisters, or descendants of a brother or sister, who were
14 receiving their principal support from the decedent at his
15 death, the entire sum shall be paid, in equal parts, to the
16 dependent brothers or sisters or dependent descendant of a
17 brother or sister. Dependency shall be determined by the
18 Court of Claims based upon the investigation and report of
19 the Attorney General.

20 The changes made to this subsection (d) by this amendatory Act
21 of the 94th General Assembly apply to any pending case as long
22 as compensation has not been paid to any party before the
23 effective date of this amendatory Act of the 94th General
24 Assembly.

25 (d-1) For purposes of subsection (d), in the case of a
26 person killed in the line of duty who was born out of wedlock
27 and was not an adoptive child at the time of the person's
28 death, a person shall be deemed to be a parent of the person
29 killed in the line of duty only if that person would be an
30 eligible parent, as defined in Section 2-2 of the Probate Act
31 of 1975, of the person killed in the line of duty. This
32 subsection (d-1) applies to any pending claim if compensation
33 was not paid to the claimant of the pending claim before the
34 effective date of this amendatory Act of the 94th General
35 Assembly.

36 (d-2) If no beneficiary is designated or if no designated

1 beneficiary survives at the death of the Armed Forces member
2 killed in the line of duty, the compensation shall be paid in
3 entirety according to the designation made on the most recent
4 version of the Armed Forces member's Servicemembers' Group Life
5 Insurance Election and Certificate ("SGLI").

6 If no SGLI form exists at the time of the Armed Forces
7 member's death, the compensation shall be paid in accordance
8 with a legally binding will left by the Armed Forces member.

9 If no SGLI form exists for the Armed Forces member and the
10 Armed Forces member did not leave a legally binding will, the
11 compensation shall be paid to the persons and in the priority
12 as set forth in paragraphs (1) through (4) of subsection (d) of
13 this Section.

14 This subsection (d-2) applies to any pending case as long
15 as compensation has not been paid to any party before the
16 effective date of this amendatory Act of the 94th General
17 Assembly.

18 (e) If ~~when~~ there is no beneficiary designated or if no
19 designated beneficiary survives or ~~surviving~~ at the death of
20 the law enforcement officer, civil defense worker, civil air
21 patrol member, paramedic, fireman, chaplain, State employee,
22 or Armed Forces member killed in the line of duty and there is
23 no other person or entity to whom compensation is payable under
24 this Section ~~surviving spouse, descendant, parent, dependent~~
25 ~~brother or sister, or dependent descendant of a brother or~~
26 ~~sister,~~ no compensation shall be payable under this Act.

27 (f) No part of such compensation may be paid to any other
28 person for any efforts in securing such compensation.

29 (g) This amendatory Act of the 93rd General Assembly
30 applies to claims made on or after October 18, 2004 with
31 respect to an Armed Forces member killed in the line of duty.

32 (Source: P.A. 92-3, eff. 5-18-01; 92-609, eff. 7-1-02; 93-1047,
33 eff. 10-18-04; 93-1073, eff. 1-18-05; 94HB5251 enrolled.)

34 Section 99. Effective date. This Act takes effect upon
35 becoming law.